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8
9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 P. JEFFREY BLACK,
12 Plaintiff,

13 vs.

14 UNITED STATES DEPARTMENT
OF HOMELAND SECURITY,
15 Defendant.
16

Case No.: 2:10-cv-02040-JCM-LRL

**MOTION FOR EXTENSION OF TIME
TO RESPOND TO COMPLAINT**
(First Request)

17
18 Pursuant to Rule 6(b)(1) of the Federal Rules of Civil Procedure and Rule 6-1 of this
19 Court's Local Rules, Federal Defendant respectfully moves this Court for an order granting a
20 thirty-day extension of time, from January 28, 2011 to February 28, 2011, to file and serve a
21 response to Plaintiff's complaint (#1).

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1 In support of this motion, Federal Defendant relies upon the memorandum of points and
2 authorities set forth below.

3 Dated: January 28, 2011.

4 Respectfully submitted,

5 DANIEL G. BOGDEN
6 United States Attorney

7 /s/ Patrick A. Rose
8 PATRICK A. ROSE
9 Assistant United States Attorney

10 **MEMORANDUM OF POINTS AND AUTHORITIES**

11
12 Federal Rule of Civil Procedure 6(b)(1) and Local Rule 6-1 allow a party to request
13 additional time to perform an act. In this case, the present request for additional time to respond
14 to Plaintiff's Complaint is warranted for the reasons set forth below.

15 Undersigned defense counsel has not yet received any information or file materials from
16 the Federal Defendant relative to this matter, but has been advised that information is
17 forthcoming. Such information and file materials would be helpful, if not necessary, in
18 responding to the allegations in the Complaint. Additionally, there has been a recent increase in
19 the case duties and burdens on what was already a short-staffed office of civil AUSAs as a result
20 of the departure of an AUSA on December 30, 2010, as well as two previously unfilled positions
21 for civil AUSAs. Among other duties, undersigned defense counsel has had to prepare and file a
22 number of briefs in other matters during the past several weeks, and also has additional briefs to
23 prepare in the next couple weeks. Undersigned defense counsel spent most of today (January 28,
24 2011) in an Early Neutral Evaluation (settlement conference) in another matter. A thirty-day
25 extension will provide defense counsel with time to receive file materials from the Federal
26 Defendant and prepare a response to the complaint.

1 For these reasons, Federal Defendant respectfully requests that the Court extend its
2 deadline to respond to the complaint from January 28, 2011 to February 28, 2011. This request
3 is made in good faith and not for purposes of undue delay.

4 Dated: January 28, 2011.

5 Respectfully submitted,

6 DANIEL G. BOGDEN
7 United States Attorney

8 /s/ Patrick A. Rose
9 PATRICK A. ROSE
10 Assistant United States Attorney

11
12 **IT IS SO ORDERED.**

13 

14
15 **UNITED STATES MAGISTRATE JUDGE**

16 **DATED:** 2-1-11

PROOF OF SERVICE

I, Patrick A. Rose, certify that I caused to be served on the following part(ies), on the date and via the method identified below, a copy of the foregoing **MOTION FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT:**

U.S. Mail (first class)

P. Jeffrey Black
7582 Las Vegas Blvd. S. #450
Las Vegas, Nevada 89123-1009

Plaintiff

Dated: January 28, 2011.

/s/ Patrick A. Rose
PATRICK A. ROSE
Assistant United States Attorney